

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | CERTIFICATION OF A |
| |) | SEXUALLY DANGEROUS PERSON |
| CLARKE COLEMAN SHAW, |) | |
| Register Number 13511-097, |) | |
| |) | |
| Respondent. |) | |

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 30th day of November, 2007.

George E. B. Holding
United States Attorney

BY: /s/ Michael Lockridge
Michael Lockridge
Special Assistant U.S. Attorney
Civil Division
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461
Telephone: (919) 575-3900 x 5093
(919) 856-4309
FAX: (919) 856-4821

N.C. Bar # 28644

CERTIFICATE OF SERVICE

This is to certify that I have this 30th day of November, 2007, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Clarke Coleman Shaw
Reg. No. 13511-097
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Lockridge
Michael Lockridge
Special Assistant U.S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Trent H. Evans, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Clarke Coleman Shaw, Register Number 13511-097, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a two-month term of imprisonment, following the revocation of his supervised release. His original sentence was a 37-month term of imprisonment and a 36-month term of supervised release, following his convictions for Possession of One or More Matters Containing Visual Depictions of Minors Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252(a)(4)(B), and Forfeiture, in violation of 18 U.S.C. § 2253 (E.D. Cal.) (Case No. 2:01CR00535-01). His projected release date is December 2, 2007.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

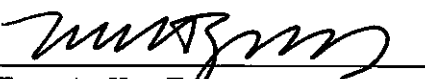
18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by prior convictions for: Battery, in the Glenn County Municipal Court, Orland, California (Case No. CR1882), for conduct that included forcing [REDACTED] 13-year-old [REDACTED] to remove her clothing below the waist, get on her knees and bend forward, and then spanking the girl with his hands and a belt on multiple occasions; and two counts of Use of a Minor in Sexual Conduct, two counts of Furnishing Methamphetamine to a Minor Age 14 or Over, two counts of Sale of Methamphetamine, and one count of Cultivation of Marijuana, in the Superior Court of Santa Clara County, California (Case No. 116662), for conduct that included videotaping and taking photographs of a 16-year-old girl posing in the nude, simulating oral copulation, inserting her finger into her vagina, and engaging in other sexually explicit conduct;

(b) A limited psychological review indicated the following: Axis I diagnoses of Pedophilia, Nonexclusive Type, Sexually Attracted to Females, and Voyeurism; Axis II diagnosis of Avoidant Personality Disorder;

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, difficulty forming appropriate relationships, and deviant sexual arousal to minor females as measured by a penile plethysmograph, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Trent H. Evans
Acting Chairperson
Certification Review Panel
Federal Bureau of Prisons

11/28/07
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

| | | |
|----------------------------|---|-------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| CLARKE COLEMAN SHAW, |) | |
| Register Number 13511-097, |) | |
| |) | |
| Respondent. |) | |

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2007.

W. EARL BRITT
Senior U.S. District Judge